

## **REMARKS**

This is a full and timely response to the outstanding Action mailed August 12, 2004.

Upon entry of the amendments in this response, claims 1 - 4, 6 - 15, and 17 - 18 remain pending. In particular, Applicants have amended claims 1 and 13, have added claims 17 and 18, and have canceled claims 5 and 16 without prejudice, waiver, or disclaimer. Applicants have canceled claims 5 and 16 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of this canceled claim in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **Indication of Allowable Subject Matter**

The Office Action indicates that claims 5 and 16 would be allowable if re-written in independent form including all of the limitations of the respective base claims and any intervening claims. In this regard, Applicant has amended independent claims 1 and 13 to include the limitations previously recited in claims 5 and 16, respectively. Therefore, Applicant respectfully asserts that claims 1 and 13 are in condition for allowance. Since claims 2 - 4 and 6 - 12 are dependent claims that incorporate the limitations of claim 1, and claims 14 - 15 are dependent claims that incorporate the limitations of claim 13, Applicant respectfully asserts that these claims also are in condition for allowance.

### **Objections to the Claims**

The Office Action indicates that claim 9 stands objected to because of an informality. As set forth above, Applicant has amended claim 9 and respectfully asserts that the objection has been rendered moot.

### **Rejections under 35 U.S.C. 112, Second Paragraph**

The Office Action indicates that claims 13 – 16 stand rejected under 35 U.S.C., second paragraph, as failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. As set forth above, Applicant has canceled claim 16 and respectfully asserts that the rejection as to this claim has been rendered moot. With respect to claims 13 – 15, Applicant has amended these claims and respectfully asserts that the rejection has been accommodated.

### **Rejections under 35 U.S.C. 102**

The Office Action indicates that claims 1 – 4, 6 – 8 and 12 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Moskin*. Additionally, the Office Action indicates that claim 13 stands rejected under 35 U.S.C. 102(b) as being anticipated by *Amberny*. Applicant respectfully traverses the rejections.

With respect to *Moskin*, Applicant has amended claim 1 to include the limitations previously recited in claim 5, the allowability of which is indicated in the Office Action. Therefore, Applicant respectfully asserts that claim 1 is in condition for allowance and requests that the rejection be removed. Since claims 2 – 4, 6 – 8 and 12 are dependent claims that

incorporate the limitations of claim 1, Applicant respectfully asserts that these claims also are in condition for allowance and requests that these rejections be removed.

With respect to *Amberny*, Applicant has amended claim 13 to include the limitations previously recited in claim 16, the allowability of which is indicated in the Office Action. Therefore, Applicant respectfully asserts that claim 13 is in condition for allowance and requests that the rejection be removed.

### **Rejections under 35 U.S.C. 103**

The Office Action indicates that claims 1 – 4, 6 – 8 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Moskin*. The Office Action also indicates that claims 9 - 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Moskin* in view of *Wu*, *Robinstein*, *Dawson*, *Hall* and *Woods*. Additionally, the Office Action indicates that claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Amberny*, and that claims 14 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Amberny* in view of *Moskin*. Applicant respectfully traverses the rejections.

As indicated above, Applicant has amended independent claims 1 and 13 to include the limitations previously recited in claims 5 and 16, respectively, the allowability of which are indicated in the Office Action. Therefore, Applicant respectfully asserts that claims 1 and 13 are in condition for allowance and requests that these rejections be removed. Since claims 2 – 4 and 6 - 12 are dependent claims that incorporate the limitations of claim 1, and claims 14 – 15 are dependent claims that incorporate the limitations of claim 13, Applicant respectfully asserts that these claims also are in condition for allowance and requests that these rejections be removed.

### Newly Added Claims

Upon entry of the amendments in this response, Applicant has added new claims 17 and 18. Applicant respectfully asserts that no new matter has been added. Additionally, Applicant respectfully asserts that these claims are in condition for allowance because the art of record does not teach or reasonably suggest all the limitations respectively recited in these claims.

With respect to claim 17, that claim recites:

17. A position sensor for an electronic device, comprising:  
a housing comprising a plurality of engaging portions on the periphery thereof for engaging the second conductors thereof;  
a first conductor disposed at the bottom of the housing;  
a plurality of second conductors engaged in the housing; and  
***a connector movably disposed in the housing and contacting the first conductor, and comprising a plurality of protrusions corresponding to and capable of inserting into the engaging portions for contacting the second conductors;***  
wherein the inner periphery of the housing limits the movement of the connector so that the first conductor electrically connects to only one of the second conductors.  
(Emphasis Added).

Specifically, Applicant respectfully asserts that the art of record does not teach or reasonably suggest at least the limitations emphasized above in claim 17. In this regard, Applicant has used the term “protrusion[s]” in accordance with its common and ordinary meaning, which is “something that sticks out from a surface.” Therefore, Applicant respectfully asserts that the use in the Office Action of a “corner” or a portion of “a drop of mercury” of *Moskin* as a protrusion is improper. Thus, Applicant respectfully asserts that claim 17 is in condition for allowance.

With respect to claim 18, that claim recites:

18. A position sensor for an electronic device, comprising:  
a housing;  
a first conductor disposed at the bottom of the housing;  
a plurality of second conductors engaged in the housing; and  
a connector movably disposed in the housing and contacting the first  
conductor;

*wherein the shape of the connector is similar to the inner periphery of the housing* and the inner periphery of the housing limits the movement of the connector so that the first conductor electrically connects to only one of the second conductors.

(Emphasis Added).

Specifically, Applicant respectfully asserts that the art of record does not teach or reasonably suggest at least the limitations emphasized above in claim 18. Therefore, Applicant respectfully asserts that claim 18 is in condition for allowance.

#### **Cited Art Made of Record**

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

### **CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel R. McClure", is written over a horizontal line.

**Daniel R. McClure, Reg. No, 38,962**

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